

Testimony of

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STATEMENT OF JOHN E. LEWIS
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Good morning Chairman Hatch, and members of the Committee, I am pleased to have this opportunity to appear before you and discuss the threat posed by animal rights extremists and eco-terrorists in this country, as well as the measures being taken by the FBI and our law enforcement partners to address this threat, and some of the difficulties faced by law enforcement in addressing this crime problem.

As you know, the FBI divides the terrorist threat facing the United States into two broad categories, international and domestic. International terrorism involves violent acts that occur beyond our national boundaries and are a violation of the criminal laws of the United States or similar acts of violence committed by individuals or groups under some form of foreign direction occurring within the jurisdiction of the United States.

Domestic terrorism involves acts of violence that are a violation of the criminal laws of the United States or any state, committed by individuals or groups without any foreign direction, and appear to be intended to intimidate or coerce a civilian population, or influence the policy of a government by intimidation or coercion, and occur primarily within the territorial jurisdiction of the United States.

During the past decade we have witnessed dramatic changes in the nature of the domestic terrorist threat. In the 1990s, right-wing extremism overtook left-wing terrorism as the most dangerous domestic terrorist threat to the United States. During the past several years, however, special interest extremism, as characterized by the Animal Liberation Front (ALF), the Earth Liberation Front (ELF), and related extremists, has emerged as a serious domestic terrorist threat. Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist special interest groups seek to resolve specific issues, rather than effect widespread political change. Such extremists conduct acts of politically motivated violence to force segments of society, including the general public, to change attitudes about issues considered important to the extremists' causes. Generally, extremist groups engage in much activity that is protected by constitutional guarantees of free speech and assembly. Law enforcement only becomes involved when the volatile talk of these groups transgresses into unlawful action. The FBI estimates that the ALF/ELF and related groups have committed more than 1,100 criminal acts in the United States since 1976, resulting in damages conservatively estimated at approximately \$110 million.

The ALF, established in Great Britain in the mid-1970s, is a loosely organized extremist movement committed to ending the abuse and exploitation of animals. The American branch of the ALF began its operations in the late 1970s. Individuals become members of the ALF not by filing paperwork or paying dues, but simply by engaging in "direct action" against companies or individuals who, in their view, utilize animals for research or economic gain, or do some manner of business with those companies or individuals. "Direct action" generally occurs in the form of criminal activity designed to cause economic loss or to destroy the victims' company operations or property. The extremists' efforts have broadened to include a multi-national campaign of harassment, intimidation and coercion against animal testing companies and any companies or individuals doing business with those targeted companies. Huntingdon Life Sciences (HLS) is one such company. The "secondary" or "tertiary" targeting of companies which have business or financial relationships with the target company typically takes the form of fanatical harassment of employees and interference with normal business operations, under the threat of escalating tactics or even violence. The harassment is designed to inflict increasing economic damage until the company is forced to cancel its contracts or business relationship with the original target. Internationally, the best example of this trend involves Great Britain's Stop Huntingdon Animal Cruelty (SHAC) organization, a more organized sub-group within the extremist animal rights movement. SHAC has targeted the animal testing company HLS and any companies with which HLS conducts business. While the SHAC organization attempts to portray itself as an information service or even a media outlet, it

is closely aligned with the ALF and its pattern of criminal activities - many of which are taken against companies and individuals selected as targets by SHAC and posted on SHAC's Internet website.

Investigation of SHAC-related criminal activity has revealed a pattern of vandalism, arsons, animal releases, harassing telephone calls, threats and attempts to disrupt business activities of not only HLS, but of all companies doing business with HLS. Among others, these companies include Bank of America, Marsh USA, Deloitte and Touche, and HLS investors, such as Stephens, Inc., which completely terminated their business relationships with HLS as a result of SHAC activities. Examples of SHAC activities include publishing on its website as a regular feature "Targets of the Week" for followers to target with harassing telephone calls and e-mails in order to discourage that company or individual from doing business with HLS.

In recent years, the Animal Liberation Front and the Earth Liberation Front have become the most active criminal extremist elements in the United States. Despite the destructive aspects of ALF and ELF's operations, their stated operational philosophy discourages acts that harm "any animal, human and nonhuman." In general, the animal rights and environmental extremist movements have adhered to this mandate. Beginning in 2002, however, this operational philosophy has been overshadowed by an escalation in violent rhetoric and tactics, particularly within the animal rights movement. Individuals within the movement have discussed actively targeting food producers, biomedical researchers, and even law enforcement with physical harm. But even more disturbing is the recent employment of improvised explosive devices against consumer product testing companies, accompanied by threats of more, larger bombings and even potential assassinations of researchers, corporate officers and employees.

The escalation in violent rhetoric is best demonstrated by language that was included in the communiqués claiming responsibility for the detonation of improvised explosive devices in 2003 at two separate northern California companies, which were targeted as a result of their business links to HLS. Following two pipe bomb blasts at the Chiron Life Sciences Center in Emeryville, California on August 28, 2003, an anonymous claim of responsibility was issued which included the statement: "This is the endgame for the animal killers and if you choose to stand with them you will be dealt with accordingly. There will be no quarter given, no half measures taken. You might be able to protect your buildings, but can you protect the homes of every employee?" Just four weeks later, following the explosion of another improvised explosive device wrapped in nails at the headquarters of Shaklee, Incorporated in Pleasanton, California on September 26, 2003, another sinister claim of responsibility was issued via anonymous communiqué by the previously unknown "Revolutionary Cells of the Animal Liberation Brigade." This claim was even more explicit in its threats: "We gave all of the customers the chance, the choice, to withdraw their business from HLS (Huntingdon Life Sciences). Now you will all reap what you have sown. All customers and their families are considered legitimate targets... You never know when your house, your car even, might go boom... Or maybe it will be a shot in the dark... We will now be doubling the size of every device we make. Today it is 10 pounds, tomorrow 20... until your buildings are nothing more than rubble. It is time for this war to truly have two sides. No more will all the killing be done by the oppressors, now the oppressed will strike back." It should be noted that the FBI Joint Terrorism Task Force in San Francisco has identified and charged known activist Daniel Andreas San Diego, who is currently a fugitive from justice, in connection with these bombings. While no deaths or injuries have resulted from this threat or the blasts at Chiron and Shaklee, it demonstrates a new willingness on the part of some in the movement to abandon the traditional and publicly stated code of nonviolence in favor of more confrontational and aggressive tactics designed to threaten and intimidate legitimate companies into abandoning entire projects or contracts.

Despite these ominous trends, by far the most destructive practice of the ALF/ELF to date is arson. The ALF/ELF extremists consistently use improvised incendiary devices equipped with crude but effective timing mechanisms. These incendiary devices are often constructed based upon instructions found on the ALF/ELF websites. The ALF/ELF criminal incidents often involve pre-activity surveillance and well-planned operations. Activists are believed to engage in significant intelligence gathering against potential targets, including the review of industry/trade publications and other open source information, photographic/video surveillance of potential targets, obtaining proprietary or confidential information about intended victim companies through theft or from sympathetic insiders, and posting details about potential targets on the Internet for other extremists to use as they see fit.

In addition to the upswing in violent rhetoric and tactics observed from animal rights extremists in recent years, new trends have emerged in the eco-terrorist movement. These trends include a greater frequency of attacks in more populated areas, as seen in Southern California, Michigan and elsewhere, and the increased targeting of Sport Utility Vehicles (SUVs) and new construction of homes or commercial properties in previously undeveloped areas by extremists combating what they describe as "urban sprawl." Eco-terrorists have adopted these new targets due to their perceived negative environmental impact. Recent examples of this targeting include the August 1, 2003 arson of a large condominium complex under construction near La Jolla, California, which resulted in an estimated \$50 million in property damages; the August 22, 2003 arson and vandalism of over 120 SUVs in West Covina, California; and the arson of two new homes under construction near Ann Arbor, Michigan in March 2003. It is believed these trends will

persist, as extremists within the environmental movement continue to fight what they perceive as greater encroachment of human society on the natural world.

The FBI has developed a strong response to the threats posed by domestic and international terrorism. Between fiscal years 1993 and 2003, the number of special agents dedicated to the FBI's counterterrorism programs more than doubled. In recent years, the FBI has strengthened its counterterrorism program to enhance its abilities to carry out these objectives.

Cooperation among law enforcement agencies at all levels represents an important component of a comprehensive response to terrorism. This cooperation assumes its most tangible operational form in the Joint Terrorism Task Forces (JTTFs) that are established in FBI field divisions across the nation. These task forces are particularly well-suited to respond to terrorism because they combine the national and international investigative resources of the FBI with the expertise of other federal law enforcement and local law enforcement agencies. The FBI currently has 84 JTTFs nationwide, one in each of the 56 Field Offices, and 28 additional annexes. By integrating the investigative abilities of the FBI, other federal law enforcement and local law enforcement agencies, these task forces represent an effective response to the threats posed to U.S. communities by domestic and international terrorists.

The FBI and our law enforcement partners have made a number of arrests of individuals alleged to have perpetrated acts of animal rights extremism or eco-terrorism. Some recent arrests include eco-terror fugitive Michael James Scarpitti and accused ELF arsonist William Cottrell. Scarpitti, commonly known by his "forest name" of Tre' Arrow, was arrested by Canadian law enforcement authorities on March 13, 2004 in British Columbia. Scarpitti had been a fugitive since August 2002, when he was indicted for his role in two separate ELF-related arsons that occurred in the Portland, Oregon area in 2001. William Cottrell was arrested by the FBI's Los Angeles Division on March 9, 2004, and indicted by a federal grand jury on March 16, 2004 for the role he played in a series of arsons and vandalisms of more than 120 sport utility vehicles that occurred on August 22, 2003 in West Covina, California. Those crimes resulted in more than \$2.5 million in damages.

Between December 8, 2003 and January 12, 2004, three members of an ELF cell in Richmond, Virginia entered guilty pleas to federal arson and conspiracy charges, following their arrests by the FBI Richmond Division and local authorities. Adam Blackwell, Aaron Linas and John Wade admitted to conducting a series of arson and property destruction attacks in 2002 and 2003 against sport utility vehicles, fast food restaurants, construction vehicles and construction sites in the Richmond area, which they later claimed were committed on behalf of the ELF. In addition, the FBI Richmond Division, working in concert with the Henrico County Police Department, successfully identified, disrupted and prevented another arson plot targeting SUVs by a second, independent ELF cell in February 2004. The four members of this alleged cell, all juveniles, are currently awaiting trial on federal and state charges.

In February 2001, teenagers Jared McIntyre, Matthew Rammelkamp, and George Mashkow all pleaded guilty, as adults, to Title 18 U.S.C. 844(i), arson, and 844(n), arson conspiracy. These charges pertained to a series of arsons and attempted arsons of new home construction sites in Long Island, NY, which according to McIntyre were committed in sympathy of the ELF movement. An adult, Connor Cash, was also arrested on February 15, 2001, and charged under federal statutes for his role in these crimes. Cash is currently on trial in federal court for charges of providing material support to terrorism. The New York Joint Terrorism Task Force played a significant role in the arrest and prosecution of these individuals.

Despite these recent successes, however, FBI investigative efforts to target these movements for identification, prevention and disruption have been hampered by a lack of applicable federal criminal statutes, particularly when attempting to address an organized, multi-state campaign of intimidation, property damage, threats and coercion designed to interfere with legitimate interstate commerce, as exhibited by the SHAC organization. While it is a relatively simple matter to prosecute extremists who are identified as responsible for committing arsons or utilizing explosive devices, using existing federal statutes, it is often difficult if not impossible to address a campaign of low-level (but nevertheless organized and multi-national) criminal activity like that of SHAC in federal court.

In order to address the overall problem presented by SHAC, and to prevent it from engaging in actions intending to shut down a legitimate business enterprise, the FBI initiated a coordinated investigative approach beginning in 2001. Investigative and prosecutive strategies were explored among the many FBI offices that had experienced SHAC activity, the corresponding United States Attorneys' Offices, FBIHQ, and the Department of Justice. Of course, the use of the existing Animal Enterprise Terrorism (AET) statute was explored. This statute, set forth in Title 18 U.S.C., Section 43, provides a framework for the prosecution of individuals involved in animal rights extremism. In practice, however, the statute does not reach many of the criminal activities engaged in by SHAC in furtherance of its overall objective of shutting down HLS.

As written, the AET statute prohibits traveling in commerce for the purpose of causing physical disruption to an animal enterprise, or causing physical disruption by intentionally stealing, damaging or causing the loss of property used by an animal enterprise, and as a result, causing economic loss exceeding \$10,000. An animal enterprise

includes commercial or academic entities that use animals for food or fiber production, research, or testing, as well as zoos, circuses and other lawful animal competitive events. Violators can be fined or imprisoned for not more than three years, with enhanced penalties if death or serious bodily injury result.

While some ALF activities have involved direct actions covered by this statute, such as animal releases at mink farms, the activities of SHAC generally fall outside the scope of the AET statute. In fact, SHAC members are typically quite conversant in the elements of the federal statute and appear to engage in conduct that, while criminal (such as trespassing, vandalism or other property damage), would not result in a significant, particularly federal, prosecution. However, given SHAC's pattern of harassing and oftentimes criminal conduct, and its stated goal of shutting down a company engaged in interstate as well as foreign commerce, other statutory options were explored at the federal level in order to address this conduct. Ultimately, prosecution under the Hobbs Act (Title 18 U.S.C., Section 1951) was the agreed upon strategy.

The theory advanced to support a Hobbs Act prosecution was that the subjects were (and continue to be) engaged in an international extortion scheme against companies engaged in, or doing business with companies engaged in, animal-based research. In furtherance of this scheme of extortion, the victims are subjected to criminal acts such as vandalism, arson, property damage, harassment and physical attacks, or the fear of such attacks, until they discontinue their animal-based research or their association with or investment in companies such as HLS, engaged in animal-based research.

However, as a result of the Supreme Court's 2003 decision in *Scheidler v. National Organization for Women*, the use of the Hobbs Act in prosecuting SHAC was removed as an option. In the *Scheidler* decision, the Supreme Court held that, while activists may be found to illegally interfere with, disrupt or even deprive victims of the free exercise of their property rights or their right to conduct business, this activity does not constitute extortion as defined under the Hobbs Act unless the activists seek to obtain or convert the victims' property for their own use.

Currently, more than 34 FBI field offices have over 190 pending investigations associated with ALF/ELF activities. Extremist movements such as the ALF and the ELF present unique challenges. There is little, if any, known hierarchal structure to such entities. The animal rights extremist and eco-terrorism movements are unlike traditional criminal enterprises that are often structured and organized. They exhibit remarkable levels of security awareness when engaged in criminal activity, and are typically very knowledgeable of law enforcement techniques and the limitations imposed on law enforcement.

The FBI's commitment to address the threat can be seen in the proactive approach that we have taken regarding the dissemination of information. Intelligence Information Reports (IIRs) are used as a vehicle for delivering FBI intelligence information to members of the Intelligence, Policy and Law Enforcement Communities. Since its establishment in March 2003, the Domestic Collection, Evaluation and Dissemination Unit has issued 20 IIRs to the field relating specifically to animal rights/eco-terrorism activity.

The commitment to addressing the threat posed by animal rights extremists and eco-terrorism movements can also be demonstrated by the FBI's proactive information campaign. This campaign has included ongoing liaison with federal, state, and local law enforcement and prosecutors, relevant trade associations and targeted companies and industries. The FBI has established a National Task Force and Intelligence Center at FBIHQ to coordinate this information campaign, and develop and implement a nationwide, strategic investigative approach to addressing the animal rights/eco-terrorism threat in the United States. The FBI has also conducted liaison and cooperated in investigations with foreign law enforcement agencies regarding animal rights extremist/eco-terrorism matters. In conclusion, the FBI has made the prevention and investigation of animal rights extremists/eco-terrorism matters a domestic terrorism investigative priority. The FBI and all of our federal, state and local law enforcement partners will continue to strive to address the difficult and unique challenges posed by animal rights extremists and eco-terrorists. Despite the continued focus on international terrorism, we in the FBI remain fully cognizant of the full range of threats that confront the United States.

Chairman Hatch and members of the committee, this concludes my prepared remarks. I would like to express appreciation for your concentration on these important issues and I look forward to responding to any questions you may have.